

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WINFRED WAIRIMU WAMAI, et al.,	:	
	:	21cv325 (DLC)
Plaintiffs,	:	
	:	<u>ORDER</u>
-v-	:	
	:	
INDUSTRIAL BANK OF KOREA,	:	
	:	
Defendant.	:	
	:	
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DENISE COTE, District Judge:

On January 14, 2021, plaintiffs filed this action, alleging that defendant Industrial Bank of Korea ("IBK") was involved in a scheme to fraudulently convey Iranian funds and thereby avoid U.S. sanctions and the plaintiffs' judgments against Iran. IBK is required to answer or move to dismiss the plaintiffs' complaint by March 29, 2021. In a letter dated March 2, 2021, IBK represented that it intends to move to dismiss this action on several grounds.

On February 16, 2021, this Court conditionally granted the defendant's motion to dismiss in Owens v. Turkiye Halk Bankasi A.S., 20-cv-2648. In Owens, a group of plaintiffs, 323 of whom are also plaintiffs in this action, alleged identical causes of action related to Iranian assets against a Turkish bank. The bank's motion to dismiss was conditionally granted on the basis


of forum non conveniens. Owens v. Turkiye Halk Bankasi A.S., 2021 WL 638975 (S.D.N.Y. Feb. 16, 2021).

In its March 2, 2021 letter, IBK requested to stay this action pending the outcome of any appeal of this Court's order conditionally dismissing in Owens. IBK further requested that, in the alternative, the motion to dismiss briefing in this action be limited to the forum non conveniens issue, with the opportunity to file a subsequent motion to dismiss on other grounds should the motion to dismiss on forum non conveniens grounds be denied. This Court concludes that limiting motion to dismiss briefing to the forum non conveniens issue would facilitate the just, speedy, and inexpensive determination of this action. Accordingly, it is hereby

ORDERED that the parties' briefing related to IBK's motion to dismiss shall be limited to the issue of whether this action should be dismissed on the basis of forum non conveniens.

IT IS FURTHER ORDERED that if the motion to dismiss is denied, IBK shall be given an opportunity to move to dismiss on any other ground it wishes to raise.

Dated: New York, New York
March 2, 2021



DENISE COTE
United States District Judge